UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/636
5 December 1995
ENGLISH
ORIGINAL: ARABIC

Fiftieth session
Agenda item 139

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Walid OBEIDAT (Jordan)

I. INTRODUCTION

1. The item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" was included in the provisional agenda of the fiftieth session of the General Assembly pursuant to paragraph 18 of Assembly resolution 48/29 of 9 December 1993.

2. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/50/726), as well as a note by the Secretary-General on the membership and functions of the Advisory Committee on the Programme (A/C.6/50/2).

4. The Sixth Committee considered the item at its 41st, 42nd and 45th meetings, on 17, 20 and 24 November 1995. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/50/SR.41, 42 and 45).

95-37842 (E) 071295 081295

/...

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/50/L.9

5. At the 45th meeting, on 24 November, the representative of Ghana introduced a draft resolution entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" (A/C.6/50/L.9).

6. At the same meeting, the Committee adopted draft resolution A/C.6/50/L.9 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling paragraph 17 of its resolution 48/29 of 9 December 1993, paragraph 1 of section IV of the annex to its resolution 47/32 of 25 November 1992 and paragraph 1 of section IV of the annex to its resolution 49/50 of 9 December 1994,

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law 1/ and the guidelines and recommendations on future implementation of the Programme within the framework of the United Nations Decade of International Law, which were adopted by the Advisory Committee on the Programme and are contained in section III of that report,

Bearing in mind that the encouragement of the teaching, study, dissemination and wider appreciation of international law is one of the main objectives of the United Nations Decade of International Law, as declared in its resolution 44/23 of 17 November 1989 and further reaffirmed and expanded in section IV of the programme for the activities for the first term (1990-1992), the second term (1993-1994) and the third term (1995-1996) annexed to resolutions 45/40 of 28 November 1990, 47/32, and 49/50,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

---

1/ A/50/726.

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming its resolutions 2464 (XXIII) of 20 December 1968, 2550 (XXIV) of 12 December 1969, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated or recalled that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolutions 34/144 of 17 December 1979, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989, 46/50 of 9 December 1991 and 48/29, in which, in addition, it expressed or reaffirmed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

1. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular those designed to achieve the best possible results in the administration of the Programme within a policy of maximum financial restraint;

2. Authorizes the Secretary-General to carry out in 1996 and 1997 the activities specified in his report, including the provision of:

(a) A number of international law fellowships in both 1996 and 1997, to be determined in the light of the overall resources for the Programme and to be awarded at the request of Governments of developing countries;

(b) A minimum of one scholarship in both 1996 and 1997 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to the fellowship fund;

(c) Subject to the overall resources for the Programme, assistance in the form of a travel grant for one participant from each developing country, who would be invited to possible regional courses to be organized in 1996 and 1997;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 13, 14 and 15 below;

3. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme in 1994 and 1995, in particular for the

organization of the thirtieth 2/ and thirty-first 3/ sessions of the International Law Seminar, held at Geneva from 20 May to 10 June 1994 and from 22 May to 9 June 1995, respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea;

4. Requests the Secretary-General to consider the possibility of admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

5. Also requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions for regional, subregional or national courses, as against courses organized within the United Nations system;

6. Invites interested States to consider the option of financing the translation and publication of the Judgments of the International Court of Justice;

7. Welcomes the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations Treaty Series and the United Nations Juridical Yearbook;

8. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme through the activities described in the report of the Secretary-General;

9. Also expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme through the activities described in the report of the Secretary-General;

10. Further expresses its appreciation of the Hague Academy of International Law for the valuable contribution it continues to make to the Programme which has enabled candidates under the international law fellowship programme to attend and participate in the Programme in conjunction with the Academy courses;

11. Notes with appreciation the contributions of the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls on Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the

---

2/ See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), chap. VI, sect. G.

3/ Ibid., Fiftieth Session, Supplement No. 10 (A/50/10), chap. VII, sect. E.

Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

12. Urges all States and relevant international organizations, whether regional or universal, to make all possible efforts to implement the goals and carry out the activities contemplated in section IV of the programme of activities for the third term (1995-1996) of the United Nations Decade of International Law, dealing with the encouragement of the teaching, study, dissemination and wider appreciation of international law and contained in the annex to its resolution 49/50;

13. Requests the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

14. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, for the fellowship programme in international law and for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

15. Urges in particular all Governments to make voluntary contributions for the organization of regional refresher courses in international law by the United Nations Institute for Training and Research, especially with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue to organize the regional courses;

16. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the Programme during 1996 and 1997 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years;

17. Decides to appoint twenty-five Member States, six from Africa, five from Asia, three from Eastern Europe, five from Latin America and the Caribbean and six from Western Europe and other States, as members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, for a period of four years beginning on 1 January 1996; 4/

4/ States appointed members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law are the following: ...

18. Decides to include in the provisional agenda of its fifty-second session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/637
5 December 1995
ENGLISH
ORIGINAL: ARABIC

Fiftieth session
Agenda item 140

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Walid OBEIDAT (Jordan)

I. INTRODUCTION

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the fiftieth session of the General Assembly pursuant to paragraph 13 of Assembly resolution 49/50 of 9 December 1994.

2. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/50/368 and Add.1 to 3) on the implementation of the programme for the third term (1995-1996) of the Decade, which was introduced by the Under-Secretary-General, the Legal Counsel, at the 38th meeting, on 14 November 1995.

4. At its previous session, the General Assembly, in paragraph 1 of its resolution 49/50, had requested the Working Group on the United Nations Decade of International Law to continue its work at the fiftieth session in accordance with its mandate and methods of work. Pursuant to that request, the Sixth Committee, at its 6th meeting, on 2 October 1995, elected Mr. Peter Tomka (Slovakia) Chairman of the Working Group for the session. The Working Group held five meetings between 6 and 21 November 1995.

5. At the 45th meeting of the Sixth Committee, on 24 November, the Chairman of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/50/SR.45).

6. The Sixth Committee considered the item at its 38th to 42nd and 45th meetings, from 14 to 20 and on 24 November. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (see A/C.6/50/SR.38-42 and 45).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/50/L.10

7. At the 45th meeting, on 24 November, the Chairman of the Working Group introduced a draft resolution entitled "United Nations Decade of International Law" (A/C.6/50/L.10), proposed by him.

8. At the same meeting, the Sixth Committee adopted draft resolution A/C.6/50/L.10 by consensus (see para. 10).

9. A statement was made by the representative of the United States of America (see A/C.6/50/SR.45).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 49/50 of 9 December 1994, to which was annexed the programme for the activities for the third term (1995-1996) of the Decade,

Expressing its appreciation to the Secretary-General for his report 1/ submitted pursuant to resolution 49/50,

Having considered the above-mentioned report,

Recalling that at its forty-fifth session the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that at its forty-sixth, forty-seventh, forty-eighth, forty-ninth and fiftieth sessions the Sixth Committee reconvened the Working Group to continue its work in accordance with resolutions 45/40 of 28 November 1990, 46/53 of 9 December 1991, 47/32 of 25 November 1992, 48/30 of 9 December 1993 and 49/50,

Having considered the oral report of the Chairman of the Working Group submitted to the Sixth Committee, 2/

1. Expresses its appreciation for the work done on the United Nations Decade of International Law at the current session, and requests the Working Group of the Sixth Committee to continue its work at the fifty-first session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the third term (1995-1996) of the Decade, including sponsoring conferences on various subjects of international law;

3. Further expresses its appreciation to the Secretary-General for the successful organization of the United Nations Congress on Public International Law, held from 13 to 17 March 1995, noting with satisfaction that the Congress emphasized the importance of all aspects of international law and focused on the four main purposes of the Decade, as well as on new challenges and expectations for the twenty-first century, and requests the Secretary-General, within existing resources, to make the proceedings widely available;

4. Strongly welcomes the recent advances made by the Treaty Section of the Office of Legal Affairs in its programme of computerization of the Multilateral Treaties Deposited with the Secretary-General and the United Nations Treaty Series and looks forward to the early effective availability of the former on the Internet and the latter on-line to Member States and other users;

5. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of it, as appropriate, to the

---

1/ A/50/368 and Add.1 and 2.

2/ See A/C.6/50/SR.45.

Secretary-General, as well as to submit their views on possible activities for the next term of the Decade;

6. Requests the Secretary-General to submit, on the basis of such information as well as of new information on the activities of the United Nations relevant to the progressive development of international law and its codification, a report to the General Assembly at its fifty-first session on the implementation of the programme;

7. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

8. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

9. Encourages the Office of Legal Affairs to continue in its efforts to bring up to date the publication of the United Nations Treaty Series and the United Nations Juridical Yearbook;

10. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 49/50;

11. Invites the International Committee of the Red Cross to continue to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict, so that the information received may be included in the report to be prepared pursuant to paragraph 6 of the present resolution;

12. Decides to include in the provisional agenda of its fifty-first session the item entitled "United Nations Decade of International Law".

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/638
5 December 1995
ENGLISH
ORIGINAL: ARABIC

Fiftieth session
Agenda item 141

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SEVENTH SESSION

Report of the Sixth Committee

Rapporteur: Mr. Walid OBEIDAT (Jordan)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Report of the International Law Commission on the work of its forty-seventh session" and to allocate it to the Sixth Committee.

2. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the International Law Commission on the work of its forty-seventh session; 1/

(b) Note by the Secretary-General containing the text of the draft articles adopted by the International Law Commission on topics considered at its forty-seventh session (A/50/402).

3. The Sixth Committee considered the item at its 12th to 25th and 44th meetings, from 12 to 20 and 25 to 30 October and on 22 November 1995. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/50/SR.12-25 and 44).

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 10 (A/50/10).

/...

95-37854 (E) 071295 091295

4. At the 12th meeting, on 12 October, the Chairman of the International Law Commission at its forty-seventh session introduced chapters I, II, IV and V of the Commission's report on the work of that session. At the 19th meeting, on 20 October, he introduced the remaining chapters of the report. At the 23rd meeting, on 27 October, the Chairman of the Commission made a statement in the light of the debate.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/50/L.7

5. At the 44th meeting, on 22 November, the Committee had before it a draft resolution submitted by its Chairman, entitled "Report of the International Law Commission on the work of its forty-seventh session" (A/C.6/50/L.7).

6. At the same meeting, the Committee adopted draft resolution A/C.6/50/L.7 by consensus (see para. 8).

7. A statement was made by the representative of the United States of America (see A/C.6/50/SR.44).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following resolution:

Report of the International Law Commission on the work of its forty-seventh session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-seventh session, 2/

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 3/

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the

---

2/ Ibid.

3/ Resolution 2625 (XXV), annex.

International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of government representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. Takes note with appreciation of the report of the International Law Commission on the work of its forty-seventh session and of the Commission's efforts to advance the work currently under consideration;

2. Notes the intentions of the International Law Commission for the programme of work for the last year of office of its members;

3. Urges the Commission at its forty-eighth session:

(a) To resume the work on the draft Code of Crimes against the Peace and Security of Mankind in such a manner that the second reading of the draft Code may be completed at that session;

(b) To resume the work on the draft articles on State responsibility in such a manner that the first reading of that draft may be completed at that session, taking into account the divergent views expressed during the Sixth Committee's debate on the topic, so that alternative approaches may be developed when necessary;

(c) To resume the work on the topic "International liability for injurious consequences arising out of acts not prohibited by international law" in order to complete the first reading of the draft articles relating to activities that risk causing transboundary harm;

4. Notes the beginning of the work on the topics "The law and practice relating to reservations to treaties" and "State succession and its impact on the nationality of natural and legal persons", and invites the Commission to continue its work on these topics along the lines indicated in the report;

5. Invites States and international organizations, particularly those which are depositaries, to answer promptly the questionnaire prepared by the Special Rapporteur on the topic concerning reservations to treaties;

6. Requests the Secretary-General to again invite Governments to submit as soon as possible relevant materials, including treaties, national legislation, decisions of national tribunals and diplomatic and official correspondence relevant to the topic "State succession and its impact on the nationality of natural and legal persons";

7. Expresses its appreciation to the Secretary-General for the update of the survey of State practice relevant to international liability for injurious consequences arising out of acts not prohibited by international law, prepared by the Secretariat in 1984; 4/

8. Notes the suggestions of the International Law Commission to include in its agenda the topic "Diplomatic protection" and initiate a feasibility study on a topic concerning the law of the environment, and decides to invite Governments to submit comments on these suggestions through the Secretary-General for consideration by the Sixth Committee during the fifty-first session of the General Assembly;

9. Requests the International Law Commission:

(a) To examine the procedures of its work for the purpose of further enhancing its contribution to the progressive development and codification of international law and to include its views in its report to the General Assembly, at its fifty-first session;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues, if any, on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

10. Requests the Secretary-General to invite Governments to comment on the present state of the codification process within the United Nations system and to report thereon to the General Assembly at its fifty-first session;

11. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in its report, 5/ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

12. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and

---

4/ Yearbook of the International Law Commission, 1985, vol. II, part I (addendum).

5/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 10 (A/50/10), para. 513.

those concerning the summary records and other documentation of the International Law Commission;

13. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars, from within existing resources, with adequate services, including interpretation, as required;

14. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fiftieth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

15. Recommends that the debate on the report of the International Law Commission at the fifty-first session of the General Assembly commence on 4 November 1996.